

### **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed April 16, 2007. Claims 1-58 stand rejected. In this Amendment, claims 9, 19, 28, 35, 41, 53 and 56-58 have been amended. No new matter has been added.

The Examiner objected to claim 28 for minor informalities. The claim has been amended to remove the informalities.

### **35 U.S.C. §112**

The Examiner has rejected claims 57 and 58 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 57 and 58 have been amended.

Applicant respectfully requests that examiner remove his rejection under 35 U.S.C. § 112.

### **35 U.S.C. §101**

Claims 56-58 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 56-58 have been amended to clarify that the claimed invention is directed to statutory subject matter.

### **35 U.S.C. §102**

Claims 1-8, 30-34 and 50-52 are rejected under 35 U.S.C. §102(e) as being anticipated by van der Made, (U.S. Patent No. 7,093,239, hereinafter "van der Made"). Claims 9-11, 19-21, 35-36, 41-42, 53-55 and 56-58 are rejected under 35 U.S.C. §102(e) as being anticipated by Ogi, (U.S. Patent No. 5,361,375, hereinafter "Ogi").

Van der Made provides an automated analysis system that detects viruses and other types of malicious code within a computer system by generating and subsequently analyzing a behavior pattern for each computer program introduced into the computer system. (Column 3, lines 54-59). Van der Made discloses analyzing a behavior pattern of a program in a virtual machine. (Column 5, lines 24-26). In van der Made, the behavior pattern indicates whether the virtually-executed program exhibits behaviors indicative of the presence of a virus or other malignant code. That is, van der Made teaches analyzing behavior of guest software and not behavior of a virtual machine monitor (VMM). Accordingly, van der Made does not teach or suggest identifying a predefined behavior of a VMM with respect to one or more virtual machines (VMs), as recited in claim 1. Similar limitation is also included in the claim language of claims 30 and 50. Hence, the present invention claimed in claims 1, 30 and 50, and their corresponding dependent claims, is not anticipated by van der Made.

With respect to claim 9, Ogi discloses a specific instruction used to indicate a priority for a VM that is running. Before running a VM, a VMM executes a specific instruction having an operand indicative of a VM having priority over a second VM. (Column 3, lines 60-64). Thereby, the VMM lets the interrupt hardware know the priority relationship between the first and second VMs. That is, Ogi discloses designating priorities among the VMs, and not determining the type of transition to a VM, where the type of transition is based on invocation information of the VM, as required by claim 9. Similar limitation is also included in the claim language of claims 35 and 56. Hence, the present invention claimed in claims 9, 35 and 56, and their corresponding dependent claims, is not anticipated by Ogi.

With respect to claim 19, Ogi does not teach or suggest receiving a request indicating the type of transition to a VM, where the type of transition is based on invocation information of the VM, as required by claim 19. Similar limitation is also included in the claim language of claims

41 and 53. Hence, the present invention claimed in claims 19, 41 and 53, and their corresponding dependent claims, is not anticipated by Ogi.

### **35 U.S.C. §103**

Claims 12-16, 18, 22, 23, 37-40 and 43-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ogi, in view of Shultz, (U.S. Patent No. 4,916,608, hereinafter “Shultz”). Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ogi and Shultz, as applied to claim 16 above and further in view of Yoshida, (U.S. Patent No. 5,408,617, hereinafter “Yoshida”). Claims 24-29 and 45-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ogi and Shultz, as applied to claims 22 and 41 above and further in view of Brelsford, (U.S. Patent No. 5,230,069, hereinafter “Brelsford”). As discussed below, the pending claims are patentable over the above references.

Claims 12-18 depend on claim 9, and claims 37-40 depend on claim 35. As discussed above, Ogi does not teach or suggest determining the type of transition to a VM, where the type of transition is based on invocation information of the VM, as required by claims 9 and 35. This limitation is also missing from Shultz and Yoshida. Accordingly, claims 12-18 and 37-40 are patentable over the cited references.

Claims 22-29 depend on claim 19, and claims 43-49 depend on claim 41. As discussed above, Ogi does not teach or suggest receiving a request indicating the type of transition to a VM, where the type of transition is based on invocation information of the VM, as required by claims 19 and 41. This limitation is also missing from Shultz and Brelsford. Accordingly, claims 22-29 and 43-49 are patentable over the cited references.

Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§102(e) and 103(a), and submits that the pending claims are in condition for allowance.

**DEPOSIT ACCOUNT AUTHORIZATION**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 16, 2007



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